

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
TARA A. O'BRIEN, L.P.N.	:	
License # 26NP05154300	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tara A. O'Brien ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 30, 2013, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial

renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

3. On or about May 24, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Matawan, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

4. Respondent admitted that she was behind in her continuing education classes, and was unable to provide any documentation of completion.

5. On or about May 24, 2015, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 - May 31, 2015. Respondent answered "no" and certified that answer by submitting the online application.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are

required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 - May 31, 2013 and answered that she had not completed the required continuing education for the June 1, 2013 - May 31, 2015 biennial renewal period when she renewed her license. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the 2013 license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 15, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a \$500 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following

entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order. At this juncture, she has sent in documentation of completion of a total of 31 hours of qualifying continuing education, all of which was completed in August of 2015. Previously, she had sent in documentation of completion of 15 contact hours of continuing education, completed in June of 2015. Thus respondent has clearly not timely completed required continuing education for the 2011-2013 and 2015-2015 licensing cycles, and clearly engaged in misrepresentation on her renewal applications for 2013 and 2015 with respect to the status of continuing education. In addition, respondent has not demonstrated that she is up-to-date with respect to continuing education, as she still lacks documentation of 14 contact hours (she has sent in documentation of 46 hours, while the requirement is 30 contact hours for 2011-2013 and 30 contact hours for 2013-2015). Accordingly, the Board determined that the Provisional Order

should be finalized, suspending respondent's nursing license until she was able to document completion of all required continuing education, and imposing a reprimand and a total of \$500 in civil penalties.

ACCORDINGLY, IT IS on this 20th day of November, 2015,

ORDERED that:

1. Respondent's license to practice nursing is suspended until such time as Respondent provides proof of completion of an additional 14 contact hours of qualifying nursing continuing education, demonstrating that she has fully satisfied her continuing education obligation for the 2011-2013 and 201302105 licensing cycles.

2. Continuing education hours taken currently and applied to cure the deficiency from previous biennial periods shall not also be used to satisfy the requirements of the 2015-2017 biennial period.


3. A reprimand is imposed on Respondent for falsifying the continuing education information on her 2013 license renewal application.

4. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failing to timely complete required continuing education during two biennial renewal

periods (June 1, 2011 - May 31, 2013 and June 1, 2013 - May 31, 2015). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President